

REMARKS

The October 17, 2005 final office action objects to claims 2, 3, 6, 13 and 25. Claims 1-3 are canceled without prejudice or disclaimer of the subject matter therein. Claims 6, 13 and 25 have been amended as suggested in the office action. The suggestion is appreciated.

Claims 11 and 12 are rejected as indefinite for lacking an antecedent and these claims have been amended to provide antecedent basis.

Claims 2, 3, and 10-12 are rejected as anticipated by Markel (U.S. Patent No. 5,316,373). As noted above, claims 2-3 are cancelled and claim 10 is likewise canceled without prejudice or disclaimer of the subject matter therein. Claims 11-12 have been amended to be in independent form. Claim 11 requires a first fastener coupled to apertures in the support mount and apertures in the seat back... wherein... the first fastener is arranged to extend through the fastener apertures formed in the ridge of the seat back and the upper wing of the flange of the support mount. The office action urges that Markel has seat 8 (with a bottom and back), support mount 14 and fasteners 26 coupled to the mount and seat back. Markel does not disclose a fastener arranged to extend through the fastener apertures formed in the ridge of the seat back and the upper wing of the flange of the support mount as recited in claim 11. Markel doesn't even have apertures formed in a ridge of the seat back 8. Reconsideration of the rejection of claim 11 is requested.

Claim 12 requires a first fastener coupled to apertures in the support mount and apertures in the seat back... wherein... the first fastener is arranged to extend through the fastener apertures formed in the ridge of the seat back and the upper wing of the flange of the support mount. The office action urges that Markel has seat 8 (with a bottom and back), support mount 14 and fasteners 26 coupled to the mount and seat back. Markel does not disclose a fastener arranged to extend through the fastener apertures formed in the ridge of the seat back and the upper wing of the flange of the support mount as recited in claim 12. Markel doesn't even have apertures formed in a ridge of the seat back 8. Reconsideration of the rejection of claim 12 is requested.

Claims 6-8, 10 and 12 are rejected as obvious over Lemmeyer et al (U.S. Patent No. 6,478,372) in view of Rowland (U.S. Patent No. 4,366,980). Claims 2, 3, 9, 11 and 13-29 are rejected as obvious over Lemmeyer et al in view of Rowland and Mitchell (U.S. Patent No. 207,764). In the rejection of claims 6-8, 10 and 12 over Lemmeyer et al. and Rowland it is stated that

it would have been obvious... to modify the seat assembly of Lemmeyer et al. such that each flange of the support mount is formed to include upper wings rising above the top surface of the arm and away from the seat bottom and the first fastener is coupled to the upper wing of each flange and the ridge of the seat back such that the first fastener is arranged to lie above the top surface of the arm, such as the seat assembly disclosed in Rowland. (See page 5 of the office action).

Notwithstanding the statement of motivation (last two lines of page 5 and first two lines of page 6 of the office action) and the remarks at pages 9 and 10, there is not sufficient motivation to combine Lemmeyer et al. and Rowland, the combination would not result in the claimed subject matter (of at least claims 6, 14, 16, 20 and 27) and the need to redesign Lemmeyer et al. to accommodate the suggested changes from Rowland weighs against a conclusion that such changes would have been obvious.

For example, modification of Lemmeyer et al. by adding Rowland's wing 204 (even if there were sufficient motivation, and such is not conceded) would not result in the inner and outer flanges of claims 6-9, 14, 16, 18-20 and 27-31. Rowland's wing 204 connects to only one side of the seat back and would provide only one flange or wing, not two as required by claims 6, 14, 16, 18, 20 and 27. Further, even if Rowland's wing 204 were added to Lemmeyer et al.'s flange there would be no fastener that extends above the arm that extends through the inner and outer flanges (claim 6) because Rowland's wing 204 does not have any fasteners as recited in these claims and the combination with Lemmeyer et al. would not provide them. Similarly, claims 11 and 12 recite a fastener coupled to apertures in the support mount and apertures in the seat back... the first fastener being arranged to lie above the top surface of the arm. There are no such apertures or fastener in either Rowland or Lemmeyer et al. and the combination will not result in such features. Reconsideration of the rejections of claims 6-9 and 11-29 is requested.

Regarding claim 13, the office action at page 6 points to the generally flat load support panel discussed at column 2, lines 34-37 of Mitchell and at page 7 urges that it would have been obvious to further modify Lemmeyer et al. by providing a generally flat load support panel such as provided by Mitchell. Mitchell at column 2, lines 34-37 discusses a shoulder of the arm, resting against the front face of the post. It is not evident how such shoulder could be provided on the U-shaped armrests 16 of Lemmeyer et al. to provide the “load support panel fixed to the cantilevered armrest to lie in a fixed position relative to the arm and the support mount and to engage a ridge of the seat back to block pivotable movement of the cantilevered armrest toward the seat bottom about a pivot axis established by the first fastener” as provided in applicant’s claim 13. Should this rejection be maintained, a drawing showing Lemmeyer et al.’s armrest 16 (Figs. 1b and 6) with the proposed modification of Mitchell is requested so that the alleged structural modification of Lemmeyer et al. can be understood. Reconsideration of the rejection of claim 13 (and dependent claim 14) is requested.

Claim 15 requires “a generally flat load support panel arranged so that only an end of the generally flat load support panel abuts the seat back to block pivotable movement of the cantilevered arm relative to the seat back” and it is not evident how Mitchell’s shoulder could be provided on the U-shaped armrests 16 of Lemmeyer et al. to provide this structure as provided in applicant’s claim 15. Should this rejection be maintained, a drawing showing Lemmeyer et al.’s armrest 16 (Figs. 1b and 6) with the proposed modification of Mitchell is requested so that the alleged structural modification of Lemmeyer et al. can be understood. Reconsideration of the rejection of claim 15 (and dependent claims 16-24) is requested.

Claim 25 recites “means for fastening the support mount to the seat back above and below the arm and on a side of the side edge to support the arm in a cantilevered position to stabilize the arm against movement” which in accordance with 35 U.S.C. 112, sixth paragraph shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. The corresponding structure has been discussed above with respect to claims 6-9 and 11-24 and for the reasons discussed above the prior art does not teach or suggest such structure. For at least these reasons, the prior art does not teach or suggest the structure of claim 25 (and dependent claim 26) or its equivalent.

Claims 4 and 31 are rejected as obvious over Lemmeyer et al., Mitchell and Herpel (U.S. Patent No. 3,542,427). Claims 5 and 30 are rejected as obvious over Lemmeyer et al., Mitchell and Van Hekken (U.S. Patent No. 5,297,851). Claims 4 and 5 have been amended to depend from claim 11 and are allowable for at least the same reasons as discussed above with respect to claim 11. Claims 30 and 31 are dependent from claim 27 and are allowable for at least the same reasons as discussed above with respect to claim 27.

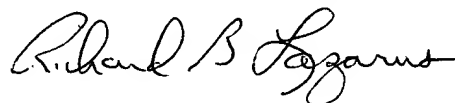
In view of the above, it is submitted that all of the claims (Nos. 4-9 and 11-31) are in condition for allowance and such action is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (20341-67618).

Respectfully submitted,

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